

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Section 73.202(b))	MM Docket No. 99-146
Table of Allotments,)	RM-9490
FM Broadcast Stations)	
(North Tunica and)	
Friars Point, Mississippi))	

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JUN 25 1999

FCC REC. ROOM

To: The Chief, Allocations Branch

COUNTERPROPOSAL

Comes now Delta Radio, Inc., ("Delta"), pursuant to Section 1.415 of the Commission's Rules, and submits the following "*Counterproposal*" in response to the *Notice of Proposed Rule Making* in the above-captioned proceeding 1/.

The *Notice* proposed to amend the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, by allocating FM Channel 254A to North Tunica, Mississippi, as that community's first local FM service. The *Notice of Proposed Rule Making* was adopted in response to a *Petition for Rule Making* filed by Fred R. Flinn.

1/ The *Notice* was released May 7, 1999. FCC DA 99-867. The NPRM specified "[i]nterested parties may file comments on or before June 28, 1999, and reply comments on or before July 13". Thus, the instant comments are timely filed.

DELTA'S COUNTERPROPOSAL

Delta hereby proposes the allotment of Channel 254A to Friars Point, Mississippi, in lieu of North Tunica, Mississippi. Friars Point (population 1,344) 2/ is an incorporated community located in Coahoma County, Mississippi (population 31,665). Friars Point has its own Post Office (zip code 38631), its own fire department, a community clinic (Friars Point Community Clinic), a city hall, police department and a fire department. Friars Point also has several churches, including Friendship Baptist Church, the New Prospect Church and the Beautiful Zion Missionary Baptist Church. Friars Point also has its own Bell South telephone exchange (383), a bank (Union Planters Bank), a school (Friars Point Elementary), and various businesses, including Hirsberg's, Ag-Test, Inc., Webb's Cafe, Jimmy Sanders Seed, and Moore's Quick Stop. By contrast, North Tunica (population 1,314), a census designated place, possesses none of the indicia of a separate and distinct community. North Tunica is not incorporated. It does not have a city hall, a police or fire station, a post office, a school, a telephone exchange or any businesses that identify themselves with North Tunica. In reality, North Tunica is nothing more than an extension of the city of Tunica.

THE COMMUNITY OF FRIARS POINT SHOULD BE PREFERRED OVER NORTH TUNICA

In accordance with the allotment criteria set forth in *Revision of FM Policies and Procedures*, 90 FCC2d 88, 51 RR2d 807 (1982), *recon. denied* 56 RR2d 448 (1984), conflicting proposals are weighed as follows:

2/ Population figures from the 1990 United States census.

- (1) First full-time aural service;
- (2) second full-time aural service;
- (3) first local service;
- (4) other public interest matters.

[(Co-equal weight given to priorities (2) and (3).)]

Although the allotment of Channel 254A would represent the first local service to either community, Friars Point must be preferred over North Tunica because it is a bona fide community, whereas North Tunica is not. Moreover, Friars Point should be preferred over North Tunica due to the greater population of Friars Point. See Athens and Atlanta, Illinois, 11 FCC Rcd 3445 (1996) and Blanchard, Louisiana and Stephens, Arkansas, 8 FCC Rcd 7083 (1993). See also Obion and Tiptonville, Tennessee, 7 FCC Rcd 2644 (1992) (first local service awarded to community with larger population instead of location where the service contour would encompass more people).

As such, the allotment of Channel 254A to Friars Point, Mississippi, must be preferred over the allotment of Channel 254A at North Tunica, Mississippi.

EXPRESSION OF INTEREST

As noted above, Delta Radio, Inc., hereby expresses its support for the allocation of Channel 254A at Friars Point, Mississippi, and will, upon adoption of a Report and Order allocating Channel 254A to Friars Point, file an application for a construction permit for a new station at Friars Point. If granted, Delta will construct and operate a new FM station at Friars Point, Mississippi.

CONCLUSION

Based on the foregoing, we respectfully request that this proposal be adopted and the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, be amended to include the allotment of Channel 254A at Friars Point, Mississippi.

VERIFICATION

In accordance with Section 1.52 of the Commission's Rules, I, Larry G. Fuss, President of Delta Radio, Inc., certify that I have examined the foregoing "Counterproposal" at that it is true and correct to the best of my knowledge and belief.

Respectfully submitted,

DELTA RADIO, INC.



Larry G. Fuss, President
P.O. Box 1438
Cleveland, MS 38732
Phone (662) 846-0929
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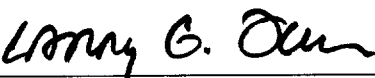
June 21, 1999

CERTIFICATE OF SERVICE

I, Larry G. Fuss, certify that I have this 21 day of June, 1999, sent by regular United States mail, postage prepaid, a copy of the foregoing "Counterproposal" to the following:

Mr. John A. Karousos
Chief, Allocations Branch
Policy & Rules Division
Mass Media Bureau
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Mr. Paul Reynolds
REYNOLDS TECHNICAL ASSOCIATES
301 Cedar Street, Suite 4
Greenville, AL 36037
(Consultant to Fred R. Flinn)



Larry G. Fuss



Contemporary Communications

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TECHNICAL EXHIBIT

**IN SUPPORT OF
PETITION FOR RULE MAKING
NEW FM - CHANNEL 254A
FRIARS POINT, MISSISSIPPI
(COUNTERPROPOSAL IN MM DOCKET NO. 99-146)**

DELTA RADIO, INC.

Prepared June 21, 1999

CONTEMPORARY COMMUNICATIONS

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TECHNICAL EXHIBIT

**IN SUPPORT OF
PETITION FOR RULE MAKING
NEW FM - CHANNEL 254A
FRIARS POINT, MISSISSIPPI
(COUNTERPROPOSAL TO MM DOCKET NO. 99-146)**

DELTA RADIO, INC.

INTRODUCTION

This Technical Exhibit supports the petition of DELTA RADIO, INC., seeking to amend the FM Table of Allotments, Section 73.202(b) of the Rules, by allocating FM Channel 254A to Friars Point, Mississippi, as that community's first local FM channel. Delta's petition is submitted as a counterproposal in MM Docket No. 99-146, in which Channel 254A has been proposed as a first local FM channel at North Tunica, Mississippi. The allocation of Channel 254A at Friars Point, Mississippi, is mutually-exclusive with the allocation of Channel 254A at North Tunica, Mississippi.

ALLOCATION

A study was performed using the computerized **SEARCHFM** frequency search program and the current FCC/NTIS database to determine if Channel 254A could be allocated in compliance with the minimum distance separation requirements of Section 73.207(b) of the Commission's Rules. The study included all applicable co-channel, adjacent-channel and IF separations. The results of that study indicate that Channel 254A may be allocated

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to Friars Point in full compliance with Section 73.207(b), provided a site-restriction approximately 4.65 kilometers northwest of the community were imposed.

The "area-to-locate" for Channel 254A is indicated on Exhibit A, attached hereto. The exhibit depicts the required separation arcs from all pertinent co-channel and adjacent channel stations and allocations. As indicated, there is ample area in the vicinity of Friars Point in which to locate a transmitter site. Assuming maximum Class A facilities (6 kw @ 100 meters above average terrain), a transmitter site at any location within the "area-to-locate" would enable the proposed station to provide adequate city-grade (70 dBu) coverage to the entire city, in full compliance with Section 73.315(a) and (b).

CONCLUSION

As noted above, the allocation of Channel 254A to Friars Point, Mississippi, is mutually-exclusive with the allocation of Channel 254A at North Tunica, Mississippi. Channel 254A is the only channel available for allocation at either community. As noted in Delta's counterproposal, Friars Point should be preferred as the larger of the two communities.

A copy of the separation study for Channel 254A is attached hereto as Exhibit B and made a part of this report (only those stations and channels sufficiently close for concern are noted therein).

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CERTIFICATION

State of Mississippi)
) ss.
County of Bolivar)

I, Larry G. Fuss, do hereby certify as follows:

- 1) I am a qualified and experienced broadcast consultant. I have been actively involved in the broadcast industry since 1972 and currently hold a lifetime FCC General Class Radio Telephone License (License No. PG-8-8450).
- 2) I have prepared numerous applications and rule making petitions which have been accepted for filing with the Federal Communications Commission.
- 3) I have been retained by DELTA RADIO, INC., to prepare the attached Technical Exhibit.
- 4) The Technical Exhibit, of which this deposition is a part, and the measurements, calculations, studies and determinations upon which this report is based, were prepared by me or under my supervision and direction. All material contained therein is believed to be true and correct, to the best of my knowledge and belief.

Larry G. Fuss
Larry G. Fuss
Affiant

6/21/99
Date

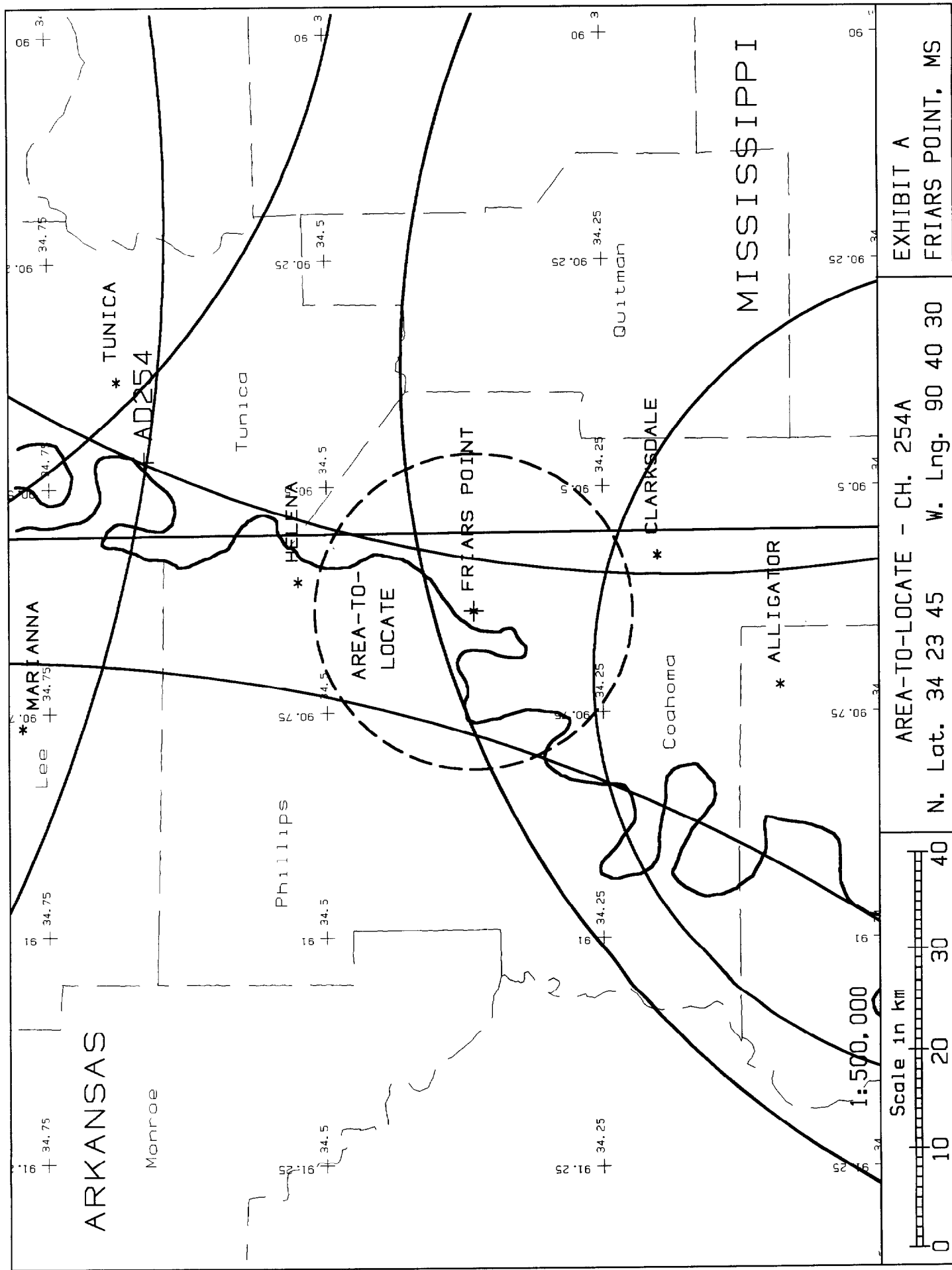


EXHIBIT A

AREA-TO-LOCATE - CH. 254A

FRIARS POINT, MS

CONTEMPORARY COMMUNICATIONS
BROADCAST CONSULTANTS

EXHIBIT B

FRIARS POINT MS
NEW FM DROP-IN SEARCH

REFERENCE	CLASS = A	DISPLAY DATES
34 23 45 N	Current Spacings	DATA 05-22-99
90 40 30 W		SEARCH 05-23-99

----- Channel 254 - 98.7 MHz -----

Call	Channel	Location	Dist	Azi	FCC	Margin
N. Lat.	W. Lng.	Power	HAAT			
AD254	AD 254A	North Tunica	MS 35.18	32.1	115.0	-79.82
34 39 50	90 28 13	0.000 kW	0 M			
		Fred R. Flinn	RM9490	990517		
WYMX	LI 256C	Greenwood	MS 95.00	163.1	95.0	0.00
33 34 35	90 22 34	CY 100.000 kW	300 M			
		Telesouth Communications, Inc	BLH890724KB	960308		
WYMX.C	CP 256C	Greenwood	MS 95.03	163.1	95.0	0.03
33 34 34	90 22 33	CY 100.000 kW	300 M			
		TeleSouth Communications, Inc	BPH980924IG	990127		
KURB	LI 253C	Little Rock	AR 172.89	285.6	165.0	7.89
34 47 56	92 29 44	CY 100.000 kW	392 M			
		GHB of Little Rock, Inc.	BLH880727KA	960318		
WZLQ	LI 253C1	Tupelo	MS 142.10	99.9	133.0	9.10
34 10 05	89 09 23	CN 100.000 kW	299 M			
		San Dow Broadcasting	BLH960308KC	970805		
WDFX	LI 252C3	Cleveland	MS 57.33	183.1	42.0	15.33
33 52 47	90 42 32	CN 25.000 kW	100 M			
		American Family Association,	BLED940429KZ	950602		
		Commercial Channel Operating Educational				
KTMO	LI 255C	Kennett	MO 197.48	12.6	165.0	32.48
36 07 53	90 11 34	CN 100.000 kW	303 M			
		KBOA, Inc.	BLH890504KB	970106		
DE255	DE 255C	Kennett	MO 197.48	12.6	165.0	32.48
36 07 53	90 11 34	0.000 kW	0 M			
		Legend Broadcasting, Inc.	RM9374	990505		
AD255	AD 255C	Keiser	AR 197.48	12.6	165.0	32.48
36 07 53	90 11 34	0.000 kW	0 M			
		Legend Broadcasting, Inc.	RM9374	990505		
WSRRFM	CP 251C1	Millington	TN 114.79	42.5	75.0	39.79
35 09 16	89 49 20	CN 100.000 kW	256 M			
		KOOL Broadcasting, Inc.	BPH990202IG	990412		
WSRRFM	CPM 251C1	Millington	TN 114.79	42.5	75.0	39.79
35 09 16	89 49 20	CN 35.000 kW	169 M			
		KOOL Broadcasting, Inc.	BMPH990203IC	990512		